

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KAAH EXPRESS FS, INC.,

Civil No. 06-3781 (JRT/FLN)

Plaintiff,

v.

**ORDER AFFIRMING MAGISTRATE
JUDGE'S ORDER GRANTING
PLAINTIFF'S MOTION FOR
ATTORNEY'S FEES AND COSTS**

EBDULQADIR OSMAN; AHMED
OSMAN; MOHAMED NUR; MOHAMED
ALI; KAAL EXPRESS COMPANY;
SAGAL EXPRESS, INC.; and KAAH
MONEY WIRING;

Defendants.

Jessica R. F. Grassley, Eleasalo Ale, and Nathaniel Zylstra, **FAEGRE & BENSON, LLP**, 2200 Wells Fargo Center, 90 South Seventh Street, Minneapolis, MN 55402, for plaintiff.

Daniel L. M. Kennedy, **KENNEDY LAW GROUP, PLLC**, 4103 East Lake Street, Minneapolis, MN 55406, for defendants.

This matter is before the Court on plaintiff's motion for attorney's fees and costs. On April 24, 2007, this Court issued an order granting plaintiff's motion for contempt, finding that a commercial sign maintained by defendants Ebdulqadir Osmand and Sagal Express, Inc. ("defendants") violated a preliminary injunction issued in Hennepin County district court.¹ The Court further ordered that plaintiff be awarded reasonable costs and

¹ Following issuance of the preliminary injunction, defendants removed this action to federal court. The preliminary injunction enjoined defendants from "using the words 'Kaal' or 'Kaah' or any similar iterations of these words in connection with a money-wiring business." (Temp. Inj. Order at ¶ 2(a).) The Court found that defendants were using a sign with the words "Money Wiring" appearing in large, bold letters below the words "Kaah Financial Service."

attorney's fees, such costs and fees to be determined upon separate petition of the plaintiff.

Plaintiff filed a motion for costs and attorney's fees, along with an affidavit detailing the costs and fees requested, on July 31, 2007. In an Order dated August 23, 2007, United States Magistrate Judge Franklin L. Noel granted plaintiff's motion. The Magistrate Judge determined that plaintiff's counsel was entitled to \$10,566.10 as compensation for reasonable costs and attorney's fees, but excluded \$1,207.22 for legal research fees. Although defendants filed objections to the Magistrate Judge's Order, the Court will construe the filing as an appeal, which is proper since the Magistrate Judge's ruling is on a nondispositive pretrial matter.

A Magistrate Judge's order on nondispositive pretrial matters may be reversed only if it is clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); D. Minn. LR 72.2(a). A party may recover reasonable expenses, including attorney's fees, incurred in an attempt to enforce compliance with a court order. *See Ford Motor Co. v. B & H Supply, Inc.*, 646 F. Supp. 975, 1001 (D. Minn. 1986). Plaintiff's counsel filed an affidavit setting forth details of the requested fees, including the total hours billed, the applicable billing rates, and other costs incurred in filing the motion for contempt. Defendants object that counsel's hourly rates are excessive, and that plaintiff's motion was overstaffed because both an associate and a partner worked on the motion.² However, the hourly rates charged by plaintiff's counsel are within the range of generally

² The affidavit provides that the associate attorney's hourly rate is \$310, while the hourly rate for a partner is \$375.

prevailing rates in the legal community. Further, the Court finds that the fees associated with staffing a partner in a supervisory capacity on the motion for contempt are not unreasonable in this case. Having reviewed the plaintiff's submissions, the Court concludes that the Magistrate Judge's determination that the requested fees and costs are reasonable is not clearly erroneous or contrary to law, the Order is affirmed, and plaintiff's motion is granted as set forth in the Magistrate Judge's Order.

ORDER

Based on the foregoing records, files, and proceedings herein, the Court **AFFIRMS** the Magistrate Judge's August 23, 2007 Order [Docket No. 36].

DATED: October 31, 2007
at Minneapolis, Minnesota.

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge